

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

BELINDA LEWIS

Plaintiff,

v.

PENTAGROUP FINANCIAL LLC

Defendant.

Case No. 11-cv-47

VERIFIED COMPLAINT

BELINDA LEWIS (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against PENTAGROUP FINANCIAL LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business in North Carolina, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in New Bern, Craven County, North Carolina.
6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant is a collection agency with a business office in Aurora, Colorado.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

9. Defendant places calls to Plaintiff seeking and demanding payment of an alleged debt owed on a Chase credit card. Upon information and belief, Chase has written off the alleged debt and this is reflected on Plaintiff's credit report.
10. Beginning in or around August 2010, Defendant calls Plaintiff from 832-615-2161 on Plaintiff's cell phone at 252-617-2672. Defendant's employee, who identified himself "Kevin", demanded payment from Plaintiff for the alleged debt owed to Chase.
11. After Plaintiff told Defendant to stop calling, Defendant's employee "Kevin" texted Plaintiff from 713-420-9590 with profane texts including, "You need some dick lady."

12. Plaintiff called 713-420-9590 and confirmed that it was Defendant's employee "Kevin" texting Plaintiff.

13. Defendant called Plaintiff's mother, Judy Mims (919-556-0461), and disclosed to Ms. Mims that Defendant was trying to collect money from Plaintiff on a "Chase credit card debt."

14. Defendant called Plaintiff's 14 year-old daughter, Brittany Lewis, on Brittany's cell phone (252-617-0021) and tried to collect the alleged debt from Brittany.

15. Defendant told Brittany that she needed to pay for the debt owed to Chase. Brittany told Defendant she was only 14 years-old and to not call her anymore. Despite being informed of this, Defendant continues to call Brittany.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692b(3) of the FDCPA by contacting Plaintiff's daughter and mother more than once.
- b. Defendant violated §1692c(b) of the FDCPA by disclosing the alleged debt to Plaintiff's mother and daughter.
- c. Defendant violated §1692d(2) of the FDCPA by using profane language in its debt collection efforts.
- d. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which is to harass, oppress, and abuse Plaintiff in

connection with the collection of an alleged debt.

- e. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's phone to repeatedly ring and repeatedly engage Plaintiff in conversation.

Wherefore, Plaintiff, BELINDA LEWIS, respectfully requests judgment be entered against Defendant, PENTAGROUP FINANCIAL LLC, for the following:

- 17. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- 19. Actual Damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- 20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, BELINDA LEWIS, demands a jury trial in this cause of action.

Dated: March 30, 2011

RESPECTFULLY SUBMITTED,

By: /s/ Christopher D. Lane, Esq.

Christopher D. Lane, Esq.

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Attorneys for Plaintiff,

BELINDA LEWIS

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, BELINDA LEWIS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, BELINDA LEWIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3/18/11

Date



BELINDA LEWIS